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**SUBSTITUTE SENATE BILL 6339**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Swecker, Hargrove, Regala, Fraser, Marr, and Kauffman)

READ FIRST TIME 01/24/08.

1       AN ACT Relating to address confidentiality of victims of  
2 trafficking; and amending RCW 40.24.010, 40.24.020, 40.24.030, and  
3 40.24.080.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 40.24.010 and 2001 c 28 s 1 are each amended to read  
6 as follows:

7       The legislature finds that persons attempting to escape from actual  
8 or threatened domestic violence, sexual assault, trafficking, or  
9 stalking frequently establish new addresses in order to prevent their  
10 assailants or probable assailants from finding them. The purpose of  
11 this chapter is to enable state and local agencies to respond to  
12 requests for public records without disclosing the location of a victim  
13 of domestic violence, sexual assault, trafficking, or stalking, to  
14 enable interagency cooperation with the secretary of state in providing  
15 address confidentiality for victims of domestic violence, sexual  
16 assault, trafficking, or stalking, and to enable state and local  
17 agencies to accept a program participant's use of an address designated  
18 by the secretary of state as a substitute mailing address.

1       **Sec. 2.** RCW 40.24.020 and 1991 c 23 s 2 are each amended to read  
2 as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Address" means a residential street address, school address,  
6 or work address of an individual, as specified on the individual's  
7 application to be a program participant under this chapter.

8       (2) "Program participant" means a person certified as a program  
9 participant under RCW 40.24.030.

10       (3) "Domestic violence" means an act as defined in RCW 10.99.020  
11 and includes a threat of such acts committed against an individual in  
12 a domestic situation, regardless of whether these acts or threats have  
13 been reported to law enforcement officers.

14       (4) "Trafficking" means an act as defined in RCW 9A.40.100 or an  
15 act recognized as a severe form of trafficking under the victims of  
16 trafficking and violence protection act of 2000 (22 U.S.C. Sec. 7101),  
17 regardless of whether the act has been reported to law enforcement.

18       **Sec. 3.** RCW 40.24.030 and 2001 c 28 s 2 are each amended to read  
19 as follows:

20       (1) An adult person, a parent or guardian acting on behalf of a  
21 minor, or a guardian acting on behalf of an incapacitated person, as  
22 defined in RCW 11.88.010, may apply to the secretary of state to have  
23 an address designated by the secretary of state serve as the person's  
24 address or the address of the minor or incapacitated person. The  
25 secretary of state shall approve an application if it is filed in the  
26 manner and on the form prescribed by the secretary of state and if it  
27 contains:

28       (a) A sworn statement by the applicant that the applicant has good  
29 reason to believe (i) that the applicant, or the minor or incapacitated  
30 person on whose behalf the application is made, is a victim of domestic  
31 violence, sexual assault, trafficking, or stalking; and (ii) that the  
32 applicant fears for his or her safety or his or her children's safety,  
33 or the safety of the minor or incapacitated person on whose behalf the  
34 application is made;

35       (b) A designation of the secretary of state as agent for purposes  
36 of service of process and for the purpose of receipt of mail;

1 (c) The mailing address where the applicant can be contacted by the  
2 secretary of state, and the phone number or numbers where the applicant  
3 can be called by the secretary of state;

4 (d) The new address or addresses that the applicant requests not be  
5 disclosed for the reason that disclosure will increase the risk of  
6 domestic violence, sexual assault, trafficking, or stalking;

7 (e) The signature of the applicant and of any individual or  
8 representative of any office designated in writing under RCW 40.24.080  
9 who assisted in the preparation of the application, and the date on  
10 which the applicant signed the application.

11 (2) Applications shall be filed with the office of the secretary of  
12 state.

13 (3) Upon filing a properly completed application, the secretary of  
14 state shall certify the applicant as a program participant. Applicants  
15 shall be certified for four years following the date of filing unless  
16 the certification is withdrawn or invalidated before that date. The  
17 secretary of state shall by rule establish a renewal procedure.

18 (4) A person who falsely attests in an application that disclosure  
19 of the applicant's address would endanger the applicant's safety or the  
20 safety of the applicant's children or the minor or incapacitated person  
21 on whose behalf the application is made, or who knowingly provides  
22 false or incorrect information upon making an application, shall be  
23 punishable under RCW 40.16.030 or other applicable statutes.

24 **Sec. 4.** RCW 40.24.080 and 2001 c 28 s 3 are each amended to read  
25 as follows:

26 The secretary of state shall designate state and local agencies and  
27 nonprofit agencies that provide counseling and shelter services to  
28 victims of domestic violence, sexual assault, trafficking, or stalking  
29 to assist persons applying to be program participants. Any assistance  
30 and counseling rendered by the office of the secretary of state or its  
31 designees to applicants shall in no way be construed as legal advice.

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